

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

|                           |   |                   |
|---------------------------|---|-------------------|
| UNITED STATES OF AMERICA, | ) |                   |
|                           | ) |                   |
| Plaintiff,                | ) |                   |
|                           | ) |                   |
| v.                        | ) | No. 3:05-CR-115   |
|                           | ) | (Phillips/Guyton) |
|                           | ) |                   |
| JOSEPH FAIRCLOTH,         | ) |                   |
|                           | ) |                   |
| Defendant.                | ) |                   |

**MEMORANDUM AND ORDER**

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate.

Counsel for the defendant Joseph Faircloth has advised the Court by telephone that he is withdrawing the defendant's Motion to Suppress [Doc. 40], which was scheduled for hearing on February 7, 2006. Accordingly, the evidentiary hearing scheduled for February 7, 2006 is **CANCELLED**, and the defendant's Motion to Suppress [Doc. 40] is **DENIED AS MOOT**.

**IT IS SO ORDERED.**

**ENTER:**

s/ H. Bruce Guyton  
United States Magistrate Judge